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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN

Arizona Corporation Commission

DOCKETED

MAR 04 2016



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AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
KACY J. PARKER d/b/a JAKE'S CORNER WATER
SYSTEMS FOR APPROVAL OF THE SALE OF ITS
ASSETS AND TRANSFER OF ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
MANAGEMENT SYSTEMS, LLC.

DOCKET NOS. W-04249A-15-0260
W-20935A-15-0260

PROCEDURAL ORDER

BY THE COMMISSION:

On July 10, 2015, Kacy J. Parker dba Jake's Corner Water Systems ("Jake's Corner") filed with the Arizona Corporation Commission ("Commission") an application for approval of the sale of its assets and the transfer of its Certificate of Convenience and Necessity ("CC&N") to Management Systems, LLC.

On September 28, 2015, Jake's Corner filed additional information in support of its application.

On October 28, 2015, the Commission's Utilities Division ("Staff") filed a Letter of Sufficiency stating that Jake's Corner's application had met the sufficiency requirements outlined in A.A.C. R14-2-402.

On December 1, 2015, by Procedural Order, a hearing was scheduled to commence on January 22, 2016, and other procedural deadlines were established.

On December 28, 2015, Staff filed a Staff Report.

On January 5, 2016, Jake's Corner filed an affidavit stating that notice of the application had been mailed to its customers on December 24, 2015.

On January 22, 2016, a full public hearing was convened before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. Michael Armstead appeared on behalf of Jake's Corner, and Staff appeared through counsel. No members of the public were present to provide comments on the application. During the hearing, discussions were held

1 regarding whether the Company's public notice of the application had complied with the Procedural
2 Order issued on December 1, 2015. The Company was instructed to late-file certification that it had
3 published notice of the application in accordance with the December 1, 2015, Procedural Order.

4 On January 27, 2016, Jake's Corner late-filed a Certification of Publication demonstrating that
5 notice of the application had been published in the *Payson Roundup* on January 5, 2016.

6 On the same date, Staff filed a Notice of Filing Amended Staff Report and Engineering Report.

7 A review of the late-filed Certification of Publication shows that notice of the above captioned
8 application was incomplete and did not comply with the Procedural Order issued on December 1,
9 2015.¹ Therefore, it is appropriate to require Jake's Corner to republish notice consistent with this
10 Procedural Order and for this docket to remain open to allow interested parties to file comments on the
11 application and/or to request intervention in this docket.²

12 IT IS THEREFORE ORDERED that **Jake's Corner shall provide public notice of the**
13 **application** in this matter, in the following form and style, with the heading in no less than 12-point
14 bold type and the body in no less than 10-point regular type:

15 **PUBLIC NOTICE OF THE APPLICATION OF KACY J. PARKER D/B/A JAKE'S**
16 **CORNER WATER SYSTEMS FOR APPROVAL OF THE SALE OF ITS ASSETS**
17 **AND THE TRANSFER OF ITS CERTIFICATE OF CONVENIENCE AND**
NECESSITY TO MANAGEMENT SYSTEMS, LLC.
(DOCKET NOS. W-04249A-15-0260 ET. AL)

18 On July 10, 2015, Kacy J. Parker dba Jake's Corner Water Systems ("Jake's Corner" or
19 the "Company") filed with the Arizona Corporation Commission ("Commission") an
20 application for approval of the sale of its assets and the transfer of its Certificate of
21 Convenience and Necessity ("CC&N") to Management Systems, LLC. The
22 Commission's Utilities Division ("Staff") has recommended approval of Jake's
23 Corner's application. However, the Commission is not bound by the proposals made by
24 the Company, Staff, or intervenors. On January 22, 2016, the Commission held an
25 evidentiary hearing on Jake's Corner's application. Subsequent to the hearing, the
26 Commission determined that Jake's Corner had not provided sufficient public notice of
the application. Thus, Commission has directed the Company to republish notice of the
application to allow interested parties time to file comments on the application and/or
to request intervention in this matter. The Commission will issue a Decision regarding
the Company's application following consideration of testimony and evidence presented
at an evidentiary hearing. Copies of the application, Staff Report, and any written
objections to the Staff Report filed by the Company are available at Jake's Corner's
offices [insert addresses]; at the Commission's Docket Control Center at 1200 West

27 ¹ The notice sent to customers and published in the newspaper did not include the Commission's website on how to obtain
the form to request intervention and it did not include the correct email address to request accommodations for persons with
disabilities.

28 ² If a request for intervention is filed in this docket an additional day of hearing may be scheduled.

Washington Street, Phoenix, Arizona; and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

Interested parties may file written public comments by mailing a letter referencing Docket Nos. W-04249A-15-0260 and W-20935A-15-0260 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by submitting comments on the Commission's website (www.azcc.gov) using the "Submit a Public Comment for a Utility" function. If you require assistance, you may contact the Consumer Services Section at 602-542-4251 or 1-800-222-7000.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you wish to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission and you must send copies of the motion to Jake's Corner or its counsel and to all parties of record in the case. Your motion to intervene must contain the following:

1. Your name, address, and telephone number and the name, address, and telephone number of any person upon whom service of documents is to be made if different from yours;
2. A short statement of your interest in the proceeding (e.g., a customer or potential customer of Jake's Corner, a member or shareholder of Jake's Corner, etc.);
3. A statement certifying that a copy of the motion to intervene has been mailed to Jake's Corner or its counsel and to all parties of record in the case; and
4. If the proposed intervenor is not represented by an attorney who is an active member of the Arizona State Bar, and is not an individual representing himself or herself, information and any appropriate documentation demonstrating the intervenor's compliance with Arizona Supreme Court Rules 31, 38, 39 and 42, as applicable.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before April 8, 2016. More information about requesting intervention is available at the Commission's website using the "Intervention in Utility Cases" function.

The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Shaylin Bernal, e-mail sabernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that **Jake's Corner shall mail a copy of the above notice to**
2 **each of its customers in its CC&N area, and shall cause the above notice to be published at least**
3 **once** in a newspaper(s) of general circulation in its service territory, with publication and mailing to be
4 completed no later than **March 25, 2016.**

5 IT IS FURTHER ORDERED that **Jake's Corner shall file certification of mailing and**
6 **publication** as soon as practicable after mailing/publication has been completed, but no later than
7 **April 8, 2016.**

8 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105,
9 except that all motions to intervene must be filed **on or before April 8, 2016.**

10 IT IS FURTHER ORDERED that any **objections to motions to intervene** shall be filed **on or**
11 **before April 22, 2016.**

12 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication,
13 notwithstanding the failure of an individual customer to read or receive the notice.

14 IT IS FURTHER ORDERED that the timeclock in this matter is hereby suspended.

15 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
16 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
17 in this matter is final and non-appealable.

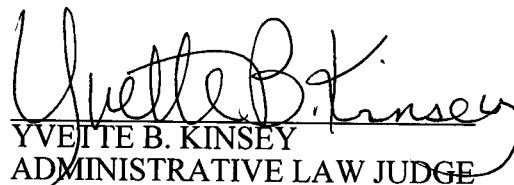
18 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
19 31 and 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac*
20 *vice*.

21 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
22 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
23 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
24 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
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discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 4th day of March, 2016.


YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

COPIES of the foregoing mailed/emailed/delivered this 4th day of March, 2016, to:


Michael Armstead
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ymepayson@msn.com

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By: 
Rebecca Unquera
Secretary to Yvette B. Kinsey